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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,930	07/17/2003	Susann Marie Keohane	AUS920030357US1	2228

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IBM CORPORATION
INTELLECTUAL PROPERTY LAW
11501 BURNET ROAD
AUSTIN, TX 78758

EXAMINER

HUSSAIN, TAUQIR

ART UNIT	PAPER NUMBER
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2452

NOTIFICATION DATE	DELIVERY MODE
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05/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

attm@us.ibm.com

Office Action Summary	Application No. 10/621,930	Applicant(s) KEOHANE ET AL.	
	Examiner TAUQIR HUSSAIN	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 10 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 10 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/02/2010 has been entered.

Response to Amendment

2. This office action is in response to amendment /reconsideration filed on 04/02/2010, the amendment/reconsideration has been considered. Claims 3, 10 and 17 are pending for examination, the rejection cited as stated below.

Response to Arguments

3. Applicant's arguments with respect to claims 3, 10 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. As to claim 10 is rejected under 35 U.S.C 101 because the claimed invention is directed to nonstatutory subject matter.

The Claim is drawn to a "computer readable medium". The specification does not explicitly describe the meaning of this term. Thus, applying the broadest reasonable

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interpretation in light of the specification and taking into account the meaning or the words in their ordinary usage as they would be understood by one of the ordinary skill in the art (MPEP 2111), the claim as a whole covers both transitory and non-transitory media. A transitory medium does not fall into any of the four categories of invention (process, machine, manufacture, or composition of matter).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appelman et al (Pub. No.: US 2004/0172454 A1), hereinafter "Appelman" in view of Goodman et al (Pub. No.: US 2004/0003283), hereinafter "Goodman".

7. As to claims 3, 10 and 17, Appelman discloses, if a failed delivery e-mail message is received, setting an indicator in an entry in one of an address book, an address database, and an address cache associated with an address of an addressee corresponding to the failed delivery message (Appelman, [0054], where in the instances of failed delivery the notification archive stores the message indicative of the cause of failed delivery e.g. if the message had a failed delivery status because of recipient's mailbox is full);

displaying said address in conjunction with a perceptive cue in response to said indicator being set (Appelman, [0054], since notification archive is storing the message

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which has the indication of failed delivery status, therefore, it will be viewable by client or administrator of the local or remote system).

Appelman however is silent on disclosing explicitly, wherein, if said indicator, is set, said indicator is operable for clearing in response to said address becoming accessible or clearing said indicator in response to subsequently receiving an e-mail originated from the address of the addressee corresponding to the failed delivery message.

Goodman however discloses a similar concept as, wherein, if said indicator, is set, said indicator is operable for clearing in response to said address becoming accessible (Goodman, [0065], where at least in part, upon a response to the challenge or lack thereof, the challenge component 520 can move the e-mail message from the questionable spam folder(s) 540 to the legitimate e-mail folder(s) 550 or the spam folder(s) 530. For example, upon receipt of an appropriate (e.g., correct) response to the challenge, the challenge component 520 can moved the e-mail message from the questionable spam folder(s) 540 to the legitimate e-mail folder(s) 550.; and

clearing said indicator in response to subsequently receiving an e-mail originated from the address of the addressee corresponding to the failed delivery message (Goodman, [0065], at least in part, upon a response to the challenge or lack thereof, the challenge component 520 can move the e-mail message from the questionable spam folder(s) 540 to the legitimate e-mail folder(s) 550 or the spam folder(s) 530. For example, upon receipt of an appropriate (e.g., correct) response to the challenge, the challenge component 520 can moved the e-mail message from the questionable spam

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folder(s) 540 to the legitimate e-mail folder(s) 550 which is same as clearing the status by moving the email from spam to legitimate email folder upon receiving the correct answer to the challenge question from the same addressee).

Therefore, it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Appelman with the teaching of Goodman in order to provide a system in addition to calculate the probabilities of legitimate email, such as the score from a Support Vector Machine, a neural network, etc. can serve the same purpose as probabilities--in general, the numeric output of any machine learning algorithm can be used in place of a probability in accordance with an aspect of the present invention. Similarly, some machine learning algorithms, such as decision trees, output categorical information, and this too can be used in place of a probability combined with a threshold.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAUQIR HUSSAIN whose telephone number is (571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571 272 6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. H./
Examiner, Art Unit 2452

/DOHM CHANKONG/
Primary Examiner, Art Unit 2452